

REMARKS/ARGUMENTS

Claims 1-19 and 21-27 are pending in the present application. Claims 1, 14, 16, 22, and 27 are independent. Claims 1, 2, 5-7, 12-14, 16, 19, 22-25, and 27 are amended. No new matter has been added.

REJECTIONS UNDER 35 U.S.C. § 103(A)

On pages 2-13, the Office Action rejects claims 1-4, 6-8, 12, 14, 16-19, 22-24, and 27 under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 7,092,364 to Franklin (hereinafter “Franklin”) in view of U.S. Patent No. 6,529,938 to Cochran (hereinafter “Cochran”). On pages 13-14, the Office Action rejects claim 5 under 35 U.S.C. § 103(a) as allegedly unpatentable over Franklin in view of Cochran, further in view of Published U.S. Patent Application No. 2005/0013259 to Papoushado (hereinafter “Papoushado”).

On pages 14-15, the Office Action rejects claims 9-11 under 35 U.S.C. § 103(a) as allegedly unpatentable over Franklin in view of Cochran, further in view of Papoushado, and still further in view of Published U.S. Patent Application No. 2004/0030780 to Walters (hereinafter “Walters”). On pages 16-17, the Office Action rejects claims 13 and 26 under 35 U.S.C. § 103(a) as allegedly unpatentable over Franklin in view of Cochran, further in view of U.S. Patent No. 6,564,341 to Sundaram (hereinafter “Sundaram”).

On pages 17-18, the Office Action rejects claims 15 and 25 under 35 U.S.C. § 103(a) as allegedly unpatentable over Franklin in view of Cochran, further in view of Published U.S. Patent Application No. 2003/0133556 to Naik et al. (hereinafter “Naik”). On page 19, the Office Action rejects claim 21 under 35 U.S.C. § 103(a) as allegedly unpatentable over Franklin in view of Cochran, further in view of Walters.

Applicant respectfully traverses these rejections. As amended, independent claims 1, 14, 16, 22, and 27 recite, in part, the following subject matter: “by making said NMS responsible for any future changes, thereby forcing the administrator to make changes from one localized place” (emphasis added). Support for this added subject matter may be found in, for example, paragraph [0038] of the published version of the specification.

On page 4, the Office Action correctly concedes that Franklin “does not specifically disclose preventing an administrator from making any topological changes.” The Office Action then attempts to remedy this admitted deficiency in Franklin by applying the teachings of Cochran.

While the newly-applied Cochran reference provides, as recited on lines 14-16 of col. 7, “a certain degree of control over how a network administrator may monitor and alter the configuration of the client computers,” Applicant respectfully submits that Cochran’s network administrator can, “at all times,” override or limit a

client's ability to interfere or block management, monitoring, and control operations.

In contrast, as recited in paragraph [0038] of the published version of the specification, because the EMS prevents the administrator from making any topological changes, the NMS becomes responsible for future changes, forcing the administrator to do the changes from one localized place. Thus, Applicant respectfully submits that Cochran does not disclose, suggest, or teach this subject matter. Therefore, Applicant submits that independent claims 1, 14, 16, 22, and 27 are allowable over Franklin in view of Cochran.

Applicant respectfully submits that the Office Action lacks a clear articulation of the reasons why, in view of the cited prior art, the claimed invention would have been obvious, as set forth in M.P.E.P. § 2142. The Supreme Court in *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727 (2007) noted that the analysis supporting a rejection under 35 U.S.C. § 103 should be made explicit. Moreover, the Federal Circuit has stated that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Applicant respectfully submits that, because the Office Action fails to explicitly present such reasoning, the Office Action fails to present a *prima facie* case of obviousness.

Claims 2-13 depend from independent claim 1. Claim 15 depends from independent claim 14. Claims 17-19 and 21 depend from independent claim 16. Claims 23-26 depend from independent claim 22. Papoushadow, Walters, Sundaram, and Naik fail to remedy the deficiencies of Franklin in view of Cochran. Therefore, Applicant respectfully submits that claims 2-13, 15, 17-19, 21, and 23-26 are allowable based at least upon their respective dependence from allowable independent claims.

For at least the preceding reasons, Applicant respectfully requests that the rejection of claims 1-19 and 21-27 under 35 U.S.C. § 103(a) be withdrawn.

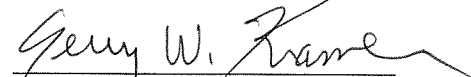
CONCLUSION

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

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Respectfully submitted,
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